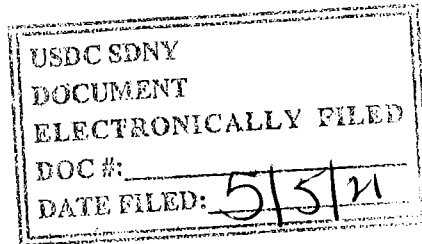


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
MATTHEW JOSEPH MCAVOY,
Plaintiff,

v.

CORRECTION OFFICER FRANCO,
Defendant.
-----X

ORDER

20 CV 8345 (VB)

OT 5/5/21
Copies Mailed/Faxed
Chambers of Vincent L. Briccetti DH

On May 4, 2021, plaintiff, who is proceeding pro se and in forma pauperis, requested the Court appoint him an attorney. (Doc. #22). Plaintiff asserts claims under 42 U.S.C. § 1983, alleging defendant violated his Eighth Amendment rights while he was incarcerated at Sing Sing Correctional Facility. (Doc. #2).

The Court has considered the type and complexity of this case, the merits of plaintiff's claims, and plaintiff's ability to present the case. The Court, in its discretion, does not find exceptional circumstances in plaintiff's case warranting the appointment of counsel at this time. See 28 U.S.C. § 1915(e)(1); Cooper v. A. Sargenti Co. Inc., 877 F.2d 170, 172 (2d Cir. 1989).

Accordingly, plaintiff's request is DENIED WITHOUT PREJUDICE to renewal at an appropriate time in the future.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

The Clerk is instructed to terminate the motion. (Doc. #22).

Dated: May 5, 2021
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge